

Message Text

CONFIDENTIAL

PAGE 01 ROME 17514 01 OF 02 191312Z

47

ACTION DLOS-05

INFO OCT-01 ARA-06 EUR-12 EA-06 ISO-00 IO-10 CG-00 CIAE-00

DODE-00 PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05 PA-01

RSC-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 CEQ-01

COA-01 COME-00 EB-07 EPA-01 NSF-01 OES-03 FEAE-00

ACDA-05 AEC-05 AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00

OMB-01 CIEP-01 CEA-01 TRSE-00 /125 W
----- 112649

R 191202Z DEC 74

FM AMEMBASSY ROME

TO SECSTATE WASHDC 8720

INFO USMISSION USUN

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY NASSAU

C O N F I D E N T I A L SECTION 1 OF 2 ROME 17514

USUN PASS AMBASSADOR STEVENSON

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS, CONSULTATIONS WITH ITALIAN GOVERNMENT

1. SUMMARY: LOS TEAM HEADED BY JOHN NORTON MOORE MET WITH ITALIAN LOS TEAM HEADED BY AMBASSADOR VARVESE FOR DISCUSSION OF FULL RANGE OF LOS ISSUES. DISCUSSIONS INDICATED SUBSTANTIAL SIMILARITY OF POSITIONS ON ALL ISSUES EXCEPT MARINE SCIENTIFIED RESEARCH, TREASMENT OF ANADRAMOUS SPECIES (SALMON) AND CERTAIN ASPECTS OF DEEP SEABEDS. ON SALMON ISSUE ITALIAN LOS TEAM INDICATED THEY WILL REEXAMINE THEIR POSITION IN LIGHT OF NEW U.S. ARTICLES ON SALMON INTRODUCED AT CARACAS. ON MARINE SCIENTIFIC RESEARCH THEY INDICATED THEIR POSITION IN FAVOR ON CONSENT REGIME MEANT FOR CONTINENTAL SHELF ONLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ROME 17514 01 OF 02 191312Z

AND NOW THAT NEGOTIATION IS MOVING TOWARD ECONOMIC ZONE THEY

ARE CONSIDERING A POSITION OF CONSENT REGIME BUT WITH UNEQUIVOCAL OBLIGATION TO GRANT CONSENT IF CERTAIN CONDITIONS SIMILAR TO US CONDITIONS ARE MET AND SUBJECT TO DISPUTE SETTLEMENT. ON DEEP SEABEDS THEY INDICATED A WILLINGNESS TO PERMIT SEPARATE ENTERPRISE WAS INSULATED FROM ANY REGULATORY AUTHORITY AND OBLIGATED TO FOLLOW SAME RULES AND REGULATIONS. THEY ALSO INDICATED CONCERN ABOUT FIRST COME FIRST SERVED SYSTEM AND SEEMED NERVOUS THAT BEST SITES MAY BE TAKEN BY US AND JAPAN. IN SUBSEQUENT MEETING MOORE MET WITH AMBASSADOR DUCCI, SECRETARY GENERAL OF THE ITALIAN FOREIGN OFFICE, FOR BRIEF EXCHANGE OF VIEWS ON LOS ISSUES. AMBASSADOR DUCCI SEEMED TO SUPPORT US VIEW ON SALMON ISSUE, EXPRESSING CONCERN THAT SALMON WERE QTE BECOMING RARE UNQTE.

2. LOS TEAM HEADED BY JOHN NORTON MOORE, THE DEPUTY SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR THE LAW OF THE SEA CONFERENCE, AND INCLUDING ADMIRAL MORRIS, THE SPECIAL REPRESENTATIVE OF THE CHAIRMAN OF THE JOINT CHIEFS FOR THE LOS NEGOTIATIONS, AND EMBOFF DON JUNION MET WITH ITALIAN LOS TEAM HEADED BY AMB. VARVESE, CHIEF OF THE ITALIAN LOS DELGATION, AND INCLUDING COUNSELOR JOSEPH NITTI, OFFICE CHIEF FOR LOS, COUNSELOR SCIOLLA LA GRANGE, LEGAL DIVISION, AND COUNSELOR TIBOR LEVI, ECONOMIC DIVISION. DISCUSSIONS COVERED FULL RANGE OF LOS ISSUES.

3. MOORE MADE POINT OF DESIRABILITY OF COORDINATION OF US AND ITALIAN LOS POSITIONS AND ITALIAN TEAM STRONGLY AGREED. THEY SEEMED TO PARTICULARLY APPRECIATE THE US VISIT WHICH CAME AT A GOOD TIME BOTH IN THEIR POLICY REVIEW AND PROCESS AND THAT OF THE EUROPEAN COMMUNITY. VARVESE INDICATED HE WAS LEAVING FOR BRUSSELS DECEMBER 19 TO ATTEND AN EC HEADS OF DELEGATION LOS MEETING. NITTI, WHO SEEMS TO BE PRINCIPAL LOS EXPERT IN ITALIAN GOVERNMENT, DID TALKING FOR ITALIAN TEAM.

4. WITH RESPECT TO STRAITS MOORE POINTED OUT THAT US WILLING TO HAVE EXCEPTION FOR STRAITS SUCH AS MESSINA AND PIOMBINA JOINING MAINLAND AND ISLAND UNDER SAME SOVEREIGNTY PROVIDED A SUITABLE ALTERNATE HIGH SEAS ROUTE AVAILABLE. MOORE ALSO DISCUSSED SCOPE AND NATURE OF STRAITS REGIME AND CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ROME 17514 01 OF 02 191312Z

IMPORTANCE OF CLOSE COORDINATION ON STRAITS ISSUE. NITTI AGREED WE SHARE SAME VIEWS ON STRAITS AND ITALY WOULD WORK FOR UNIMPEDED TRANSIT IN STRAITS OTHER THAN THOSE IN MESSINA CATEGORY.

5. MOORE BRIEFED ITALIAN TEAM ON GENERAL OUTLINES OF ARCHIPELAGO NEGOTIATIONS AND INDICATED US WOULD LIKE TO CONVEY TO INDONESIANS DURING THE NEXT ROUND IN WASHINGTON THAT MAJOR

MARITIME STATES INCLUDING ITALY SUPPORTED GENERAL OUTLINES OF PROPOSED ARCHIPELAGO-STRAITS UNDERSTANDING. NITTI INDICATED HE PERSONALLY FAVORABLY INCLINED BUT SINCE ITALIAN GOVERNMENT HAD NOT FORMALLY ADDRESSED THE ARCHIPELAGO ISSUE HE WOULD NEED TO GET BACK TO US WITH FORMAL RESPONSE.

6. WITH RESPECT TO THE ECONOMIC ZONE NITTI INDICATED THAT THE ITALIAN GOVERNMENT HAD NOT YET AGREED TO IDEA OF ECONOMIC ZONE BUT HE SEEMED TO RECOGNIZE THE CONCEPT HAD BROAD BACKING IN THE NEGOTIATIONS. ON COASTAL FISHERIES NITTI INDICATED PARTICULAR CONCERN IN PERMITTING COASTAL STATES TO SET THE ALLOWABLE CATCH EVEN IF THIS WERE SUBJECT TO COMPULSORY DISPUTE SETTLEMENT. NITTI INDICATED SUPPORT FOR THE US POSITION ON HIGHLY MIGRATORY SPECIES BUT EXPRESSED OPPOSITION TO HOST STATE CONTROL OF SALMON THROUGHOUT THE RANGE OF THE SPECIES. HIS PRINCIPAL CONCERN RE SALMON SEEMED TO BE THE CONCEPTUAL PROBLEM OF PERMITTING COASTAL STATE CONTROL SO FAR FROM THEIR SHORES . MOORE POINTED OUT US ARTICLES CHANGED TO PROVIDE NO FISHING FOR SALMON BEYOND TERRITORIAL SEA WITHOUT CONSENT OF HOST STATE. NITTI INDICATED HE WOULD REVIEW ITALIAN POSITION ON SALMON IN VIEW OF THIS CHANGE. AS TO AREA OF MARGIN BEYOND 200 MILES NITTI DID NOT SEEM STRONGLY OPPOSED EVEN THOUGH ITALY SHELF-LOCKED IF REASONABLE OBJECTIVE TEST FOUND TO DELIMIT THE OUTER EDGE OF THE MARGIN. HE ALSO INDICATED ITALY COULD SUPPORT REVENUE SHARING PROVIDED IT BEGAN ONLY SEAWARD OF 200 MILES. (ITALY BEING SHELF-LOCKED WOULD HAVE NO AREA BEYOND 200 MILES).NITTI AND AMBASSADOR VARVESE ALSO RECALLED VARVESE'S CARACAS SPEECH THAT CHARACTER OF THE ECONOMIC ZONE MUST REMAIN HIGH SEAS WITH FULL NAVIGATIONAL FREEDOMS.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 ROME 17514 02 OF 02 191332Z

47

ACTION DLOS-05

INFO OCT-01 ARA-06 EUR-12 EA-06 ISO-00 IO-10 CG-00 CIAE-00

DODE-00 PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05 PA-01

RSC-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 CEQ-01

COA-01 COME-00 EB-07 EPA-01 NSF-01 OES-03 FEAE-00

ACDA-05 AEC-05 AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00

OMB-01 CIEP-01 CEA-01 TRSE-00 /125 W

----- 112815

R 191202Z DEC 74

FM AMEMBASSY ROME

TO SECSTATE WASHDC 8721

INFO USMISSION USUN

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY NASSAU

C O N F I D E N T I A L SECTION 2 OF 2 ROME 17514

USUN PASS AMBASSADOR STEVENSON

7. ON MARINE POLLUTION NITTI INDICATED WE WERE COOPERATING CLOSELY WITHIN GROUP OF 17 AND DID NOT SEEM TO HAVE ANY REAL DIFFERENCES. MOORE EMPHASIZED THAT WAY TO SOLVE PROBLEM OF ANY SPECIAL STANDARDS NEEDED FOR SPECIAL AREA WAS FOR STATES BORDERING SUCH AREAS TO MAKE RECOMMENDATIONS TO IMCO FOR ADOPTION. NITTI AGREED THIS WAS APPROPRIATE WAY TO DEAL WITH THE POLLUTION CONTROL NEEDS OF SPECIAL AREAS.

8. ON MARINE SCIENTIFIC RESEARCH MOORE INDICATED THIS WAS ONE OF THE FEW AREAS OF DIFFERENCE AND WE WERE SOMEWHAT PUZZLED BY WHY THE ITALIANS WERE SEEKING A CONSENT REGIME. NITTI RESPONDED BY POINTING OUT ITALIANS WERE CONCERNED ABOUT CERTAIN STATES OTHER THAN THE US ENGAGED IN RESEARCH IN THE MEDITERRANEAN BUT THAT THEIR CONSENT REGIME POSITION WAS CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ROME 17514 02 OF 02 191332Z

PREDICATED ON THE SHELF REGIME RATHER THAN ON ECONOMIC ZONE. HE FURTHER INDICATED THAT, NOW THAT NEGOTIATIONS MOVING TOWARD ECONOMIC ZONE, ITALY WOULD REEXAMINE ITS POSITION WITH A VIEW TO ADOPTING A REGIME UNDER WHICH COASTAL STATE MUST GRANT CONSENT IF CERTAIN OBJECTIVE CONDITIONS SUCH AS IN US ARTICLES WERE MET SUBJECT TO DISPUTE SETTLEMENT. HE EMPHASIZED IN THIS CONNECTION THAT WORD QTE NORMALLY UNQTE FOUND IN SHELF CONVENTION WOULD NOT BE NECESSARY.

9. WITH RESPECT TO DEEP SEABEDS NITTI SPOKE AT LENGTH AND WITH CONVICTION. HE POINTED OUT THAT LIKE THE US, ITALY FELT IT WAS IMPORTANT TO PRESERVE ACCESS TO THE MINERAL RESOURCES OF THE DEEP SEABEDS. HE EMPHASIZED THIS POINT BY INDICATING THAT ITALY IMPORTED MORE OF ITS MINERAL NEEDS THAN THE US, THAT ITS NEED WAS FOR ACCESS TO THE RESOURCES NOT TO THE PROFITS FROM DEEP SEABED MINING, AND THAT ITALY WOULD QTE REJECT A TREATY UNQTE WHICH DID NOT PROTECT ITALIAN ACCESS TO THE RESOURCES OF THE DEEP SEABEDS. NITTI ALSO INDICATED

THAT THE ARTICLE 9 OFFERED BY DEVELOPING STATES AT CARACAS WAS UNACCEPTABLE, THAT THE JURISDICTION OF THE AUTHORITY MUST BE CONFINED TO THE MINERAL RESOURCES OF THE DEEP SEABED AND THAT IT WAS IMPORTANT TO INCLUDE THE BASIC CONDITIONS OF MINING IN THE TREATY ITSELF. NITTI FURTHER INDICATED, HOWEVER, THAT ITALY PREPARED TO ACCEPT DIRECT EXPLOITATION BY A SEPARATE INTERNATIONAL ENTERPRISE PROVIDED THE ENTERPRISE INSULATED FROM THE AUTHORITY AND REQUIRED TO COMPLY WITH THE SAME RULES FOR DEEP SEABED MINING. NITTI ALSO INDICATED OPPOSITION TO THE FIRST COME FIRST SERVED SYSTEM OF SITE SELECTION, SUGGESTING THERE SHOULD BE SOME ELEMENT OF COMPETITION IN SELECTION PROCESS.

10. WITH RESPECT TO DISPUTE SETTLEMENT IT WAS CLEAR THAT ITALIAN GOVERNMENT WILL SUPPORT SOME MECHANISM OF DISPUTE SETTLEMENT WHICH NITTI REFERRED TO AS NEARLY COMPULSORY, BUT UNCLEAR EXACTLY WHAT THE NATURE OF THE DISPUTE SETTLEMENT MACHINERY SUPPORTED WOULD BE.

11. NITTI EXPRESSED GREAT INTEREST IN PASSAGE BY SENATE OF 200 MILE FISHING BILL AND WAS UNDER MISTAKEN IMPRESSION FROM CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ROME 17514 02 OF 02 191332Z

RECENT PRESS REPORT BILL WOULD SHORTLY BECOME LAW. HE WAS CLEARLY ALARMED AT THIS POSSIBILITY. MOORE REASSURED THAT THE ADMINISTRATION WAS MAKING ITS BEST EFFORTS TO PREVENT PASSAGE OF BILL. DURING DISCUSSION MOORE ADVERTED TO POSSIBLE ARTICLE 7 ALTERNATIVE AND NITTI AGREED THAT GOOD CASE COULD BE MADE THAT NON-DISCRIMINATORY CONSERVATION MEASURES UNDER ARTICLE 7 CRITERIA COULD BE LAWFULLY APPLIED EVEN TO NON-PARTIES.

12. NITTI RAISED QUESTION OF RECENT ACTION BY DEEP SEA VENTURES IN FILING CLAIM AND SEEMED SOMEWHAT ALARMED BY THE PROSPECT. MOORE REASSURED BY INDICATING THAT WE SOUGHT NEGOTIATED SOLUTION OF PROBLEMS, BUT OF COURSE, MUST RETAIN OUR LEGAL VIEWS OF HIGH SEAS FREEDOM UNTIL SUCH TIME AS SATISFACTORY TREATY CONCLUDED.

13. FOLLOWING MEETING MOORE AND TEAM MET WITH AMBASSADOR DUCCI, THE SECRETARY-GENERAL OF THE ITALIAN FOREIGN OFFICE AND THE NUMBER TWO PROFESSIONAL IN THEIR FOREIGN OFFICE. AMBASSADOR DUCCI FAIRLY WELL INFORMED ON LOS ISSUES AND WAS EXTREMELY CORIDAL. WHEN SALMON ISSUE CAME UP AS ONE OF FEW REMAINING AREAS OF DIFFERENCES BETWEEN THE TWO LOS TEAMS DUCCI SEEMED TO INDICATED SYMPATHY FOR US POSITION AND SAID SALMON ARE QTE BECOMING RARE UNQTE AND NEED PROTECTION. AMB. VARVESE THEN HOSTED WORKING LUNCH FOR THE ITALIAN

AND US LOS TEAMS.

14. ANALYSIS: US AND ITALY CLOSE ON ALMOST ALL ISSUES OF LOS POLICY. ONLY DIFFERENCES OF NOTE SEEM TO BE IN AREAS OF SCIENTIFIC RESEARCH, SALMON, AND CERTAIN ASPECTS OF DEEP SEABEDS. ITALIANS PROBABLY SUBSTANTIALLY INFLUENCED IN LOS POLICY BY EC POSITION BUT SEEM EAGER TO COORDINATE MORE ACTIVELY WITH THE US. ITALIAN LOS TEAM NOW SEEMS TO FULLY UNDERSTAND US STRAITS POSITION AND US WILLINGNESS TO HAVE APPROPRIATE EXCEPTION FOR MESSINA AND PIOMBINA. ALTHOUGH INTERESTED IN WORDING OF THE STRAITS EXCEPTION THEY INDICATED THIS MET THEIR NEEDS TO APPLY 1958 NON-SUSPENDABLE INNOCENT PASSAGE REGIME TO THESE TWO STRAITS. VOLPE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ROME17514
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740369-0541
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741222/aaaaasoz.tel
Line Count: 290
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 09 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 APR 2002 by boyleja>; APPROVED <26 MAR 2003 by ElyME>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS, CONSULTATIONS WITH ITALIAN GOVERNMENT
TAGS: PLOS, IT
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005